
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DIRECTOR OF LABOR AND INDUSTRIAL RELATIONS TO
CONVENE A TASK FORCE TO STUDY, DESIGN, AND DEVELOP A PAID
FAMILY LEAVE PILOT PROGRAM.

1 WHEREAS, most workers, at some point in their lives, may
2 need to take time off from work to care for an ill family
3 member; and
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5 WHEREAS, under the federal Family and Medical Leave Act of
6 1993, as amended, certain employees who work for employers with
7 fifty or more employees are eligible for up to twelve weeks of
8 unpaid job-protected leave for qualifying reasons, such as a
9 serious health condition of the employee or certain family
10 members of the employee or other qualifying events; and
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12 WHEREAS, employees who are temporarily disabled from work
13 due to illness, non-work-related injury, and other specified
14 conditions are eligible for paid leave under the Hawaii
15 Temporary Disability Insurance (TDI) Law; and
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17 WHEREAS, in contrast, under the State's Family Leave Law,
18 certain employees who work for employers with one hundred or
19 more employees are eligible for up to four weeks of unpaid
20 job-protected leave for qualifying reasons, which includes the
21 birth or adoption of a child or to care for certain family
22 members with a serious health condition; and
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24 WHEREAS, family leave provided under federal and state laws
25 is mainly unpaid, and as of March 2018, only seventeen percent
26 of workers in the United States had access to paid family leave
27 through their employers; and
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29 WHEREAS, a report published by the Aloha United Way in 2020
30 titled "ALICE in Hawai'i: A Financial Hardship Study", reported
31 that despite the steady economic improvements in Hawaii from



1 2010 to 2018, during which the gross domestic product grew, the
2 unemployment rate fell to historic lows, and wages rose, almost
3 half of the families in Hawaii were struggling to make ends meet
4 in 2018; and

5
6 WHEREAS, with such financial constraints, a majority of
7 Hawaii's workforce cannot afford to take unpaid leave for family
8 caregiving purposes, whether it be to take care of an aging
9 family member or to care for a newborn; and

10
11 WHEREAS, in November 2019, the AARP Public Policy Institute
12 reported that as of 2017, there were approximately 157,000
13 unpaid family caregivers in Hawaii, and while the majority of
14 family caregivers are women, there is a growing trend for men,
15 especially adult sons, taking on family caregiving tasks for
16 their aging parents, other older relatives, or close friends;
17 and

18
19 WHEREAS, forty-four percent of male family caregivers
20 reported moderate to high financial strain as a result of
21 caregiving; and

22
23 WHEREAS, the need for leave to care for elderly family
24 members in Hawaii is expected to increase, as the Department of
25 Business, Economic Development, and Tourism projected in
26 June 2018 that the percentage of residents aged sixty-five years
27 and older, which constituted 17.1 percent of the State's
28 population in 2016, is expected to rise to 19.1 percent in 2020,
29 and to 22.6 percent in 2030; and

30
31 WHEREAS, as of January 2021, nine states, including
32 California, Colorado, Connecticut, Massachusetts, New Jersey,
33 New York, Oregon, Rhode Island, and Washington, and the District
34 of Columbia have enacted paid family and medical leave laws; and

35
36 WHEREAS, the federal Family and Medical Leave Act of 1993
37 was amended in 2020 to allow certain covered federal civilian
38 employees up to twelve weeks of paid parental leave in
39 connection with the birth of a child or placement of a child for
40 adoption or foster care occurring on or after October 1, 2020;
41 and

42
43 WHEREAS, Act 109, Session Laws of Hawaii 2018, began the
44 groundwork to establish a paid family leave framework in the



1 State by requiring the Legislative Reference Bureau to analyze
2 the impacts of establishing a paid family leave program on
3 certain industries, consumers, employees, employers, and
4 caregivers that would enable the Legislature to choose a model
5 or framework that will work best for Hawaii's workforce; and
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7 WHEREAS, in December 2019, the Legislative Reference Bureau
8 issued its Paid Family Leave Program Impact Study, which
9 projected the costs and staffing required to establish and
10 maintain a paid family leave system in Hawaii under three social
11 insurance models:

- 12 (1) A system funded exclusively by the State, such as a
- 13 state-administered insurance fund;
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- 15 (2) A system that allows private plans to opt out; and
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- 17 (3) A system in which the State's role is limited to
- 18 governance of a system that is highly regulated and
- 19 reliant on private markets or an insurance fund, or an
- 20 employer mandate, such as the State's TDI Program; and
- 21
- 22

23 WHEREAS, the following table shows the resources necessary
24 to implement each model:

	State System Funded Exclusively by State	State System with Opt-Out for Private Plans	Highly Regulated Private Market, Insurance Fund, or Employer Mandate
Start-up Cost	\$1,100,000	\$1,100,000	\$660,000
On-Going Support Cost	\$2,623,669	\$2,618,078	\$1,102,875
Support Staffing	22.5 positions	22 positions	7.5 positions ; and

25 WHEREAS, the study further reported that regardless of
26 which paid family leave model is adopted, there are pertinent
27 policy aspects that will need to be determined, such as the



1 benefit amount and wage replacement ratio; length of leave,
2 including maximum weeks of leave for bonding and family
3 caregiving; employer and employee eligibility; covered family
4 relationships; whether to provide job protection; and more; now,
5 therefore,
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7 BE IT RESOLVED by the House of Representatives of the
8 Thirty-first Legislature of the State of Hawaii, Regular Session
9 of 2021, the Senate concurring, that the Director of Labor and
10 Industrial Relations is requested to convene a task force to
11 study, design, and develop a Paid Family Leave Pilot Program
12 covering the employers and employees in the County of Kauai, to
13 be implemented by the Department of Labor and Industrial
14 Relations as a trial program that could eventually be expanded
15 to cover all public and private sector workers in the State; and
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17 BE IT FURTHER RESOLVED that the Paid Family Leave Pilot
18 Program shall be modeled after, and similar to, the paid leave
19 program established under the Hawaii TDI Law, chapter 392,
20 Hawaii Revised Statutes; and
21

22 BE IT FURTHER RESOLVED that the task force is requested to
23 include the following members:
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- 25 (1) The Director of Labor and Industrial Relations or the
26 Director's designee, who is requested to serve as the
27 chairperson of the task force;
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- 29 (2) The Director of Human Resources Development or the
30 Director's designee;
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- 32 (3) The Director of Finance or the Director's designee;
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- 34 (4) The Attorney General or the Attorney General's
35 designee;
36
- 37 (5) The Mayor of the County of Kauai or the Mayor's
38 designee;
39
- 40 (6) Two representatives from public sector labor
41 organizations in Hawaii, one to be appointed by the
42 President of the Senate and one to be appointed by the
43 Speaker of the House of Representatives;
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- 1 (7) Two representatives from private sector labor
- 2 organizations in Hawaii, one to be appointed by the
- 3 President of the Senate and one to be appointed by the
- 4 Speaker of the House of Representatives;
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- 6 (8) Two representatives from the insurance companies
- 7 authorized to write TDI policies in Hawaii to be
- 8 appointed by the Governor;
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- 10 (9) Two representatives of business organizations in
- 11 Hawaii, one to be appointed by the President of the
- 12 Senate and one to be appointed by the Speaker of the
- 13 House of Representatives; and
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- 15 (10) Two representatives of small business organizations in
- 16 Hawaii, one to be appointed by the President of the
- 17 Senate and one to be appointed by the Speaker of the
- 18 House of Representatives; provided that one of the two
- 19 shall be a resident of the County of Kauai; and
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21 BE IT FURTHER RESOLVED that the task force is requested to

22 commence its work upon the appointment of a simple majority of

23 its members; and

24

25 BE IT FURTHER RESOLVED that the task force is requested to

26 submit a report describing the progress made by the task force

27 and its findings and recommendations, including any proposed

28 legislation, to the Legislature no later than twenty days prior

29 to the convening of the Regular Session of 2022; and

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31 BE IT FURTHER RESOLVED that the report include:

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- 33 (1) Recommendations for the basic structure of the Paid
- 34 Family Leave Pilot Program, including but not limited
- 35 to:
- 36
- 37 (A) Eligibility criteria for employees, such as a
- 38 minimum amount of time worked or earnings
- 39 achieved;
- 40
- 41 (B) Benefit amounts and wage replacement ratio;
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- 43 (C) Length of leave, including maximum weeks of
- 44 leave, for bonding and family caregiving;



- 1
- 2 (D) Qualifying events;
- 3
- 4 (E) Covered family relationships;
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- 6 (F) Whether to provide job protection;
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- 8 (G) Interaction with the State's TDI Program;
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- 10 (H) The administrative structure;
- 11
- 12 (I) Claims management; and
- 13
- 14 (J) Duration of the Paid Family Leave Pilot Program;
- 15 and
- 16
- 17 (2) Impacts and estimated costs of establishing and
- 18 implementing the Paid Family Leave Pilot Program,
- 19 including the fiscal and administrative impacts on the
- 20 State and the impacts on public sector collective
- 21 bargaining and civil service laws; and
- 22
- 23 (3) Opportunities and challenges of expanding the Paid
- 24 Family Leave Pilot Program to the State's entire
- 25 workforce; and
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27 BE IT FURTHER RESOLVED that the task force be dissolved on
 28 June 30, 2022; and

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30 BE IT FURTHER RESOLVED that certified copies of this
 31 Concurrent Resolution be transmitted to the Governor, Director
 32 of Labor and Industrial Relations, Director of Human Resources
 33 Development, Director of Finance, Attorney General, and Mayor of
 34 the County of Kauai.

